

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. **21 MR 810**

JONATHAN TONY SANCHEZ, an inmate within the New
Mexico Corrections Department in Santa Fe, New Mexico

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

the person known as JONATHAN TONY SANCHEZ, an inmate within the New Mexico Corrections Department located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

the FBI will collect a DNA sample from JONATHAN TONY SANCHEZ by way of a buccal swab.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

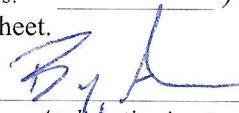
- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. sections 922(g)(1) and 924	being a felon in possession of a firearm and ammunition.

The application is based on these facts:
refer to the attached affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Bryan Acee, FBI Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephone _____ (specify reliable electronic means).

Date: June 13, 2021

City and state: Albuquerque, New Mexico


Judge's signature

Laura Fashing, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

INTRODUCTION AND AGENT BACKGROUND

1. I, Bryan Acee, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of the Defendant, **JONATHAN TONY SANCHEZ**, aka: “**KILO**,” (born in 1985) to collect a DNA sample by way of a buccal swab.

2. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI). I have been a law enforcement officer for 21 years, serving as a police officer, detective, and Special Agent. I have been with the FBI since 2009 and am currently assigned to the Albuquerque Violent Crime Gang Task Force (VCGTF). I am the lead case agent on the government’s 2015-2021 racketeering investigation of the Sindicato de Nuevo Mexico (SNM) prison gang case. Over the course of the 6-year investigation, more than 155 SNM members and associates have been arrested.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

3. I am aware **JONATHAN TONY SANCHEZ**, aka: “**KILO**,” (hereinafter **SANCHEZ**) is a validated member of the SNM prison gang and is currently on parole for possession of a controlled substance (D101-CR-2016-00206). **SANCHEZ** has several felony convictions, to include:

- a. robbery (D-101-CR-2016-00147),
- b. possession of a controlled substance (D101-CR-2016-00206),
- c. trafficking a controlled substance (D-117-CR-2010-00090),
- d. possession of controlled substance (D-117-CR-2005-00107), and
- e. receiving/transferring a stolen motor vehicle (D-117-CR-2005-00107).

4. On March 10, 2021, **SANCHEZ** was being sought by the New Mexico Corrections Department (NMCD) for absconding from parole. NMCD Security Threat Intelligence Unit (STIU) fugitive investigators tracked **SANCHEZ** to 3621 Wellesley Drive NE, unit #A, Albuquerque, New Mexico. STIU officers investigators observed **SANCHEZ**’ white VW Jetta and **SANCHEZ**’ girlfriend’s white Jeep Cherokee parked in the two designated spots for apartment A. Bernalillo County Sheriff’s Officer deputies responded to the location and assisted STIU officers establish a perimeter around the apartment. STIU

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officers then knocked loudly on the front door, while verbally announcing themselves. Additional announcements were made over a public address system. Officers observed people within the apartment moving about; however, no one came to the front door.

5. Officers breached the front door and again announced themselves. SANCHEZ' girlfriend, GUADALUPE FLORES, exited the apartment, FLORES advised her 3-year old daughter was still inside with SANCHEZ. FLORES also said she had a loaded handgun in the kitchen.

6. Officers continued to call out to SANCHEZ, who eventually came downstairs holding the child. The child was given to FLORES and SANCHEZ was placed under arrest pursuant to his parole warrant. Officers conducted a sweep of the house and located a second validated SNM member inside the house, JEREMY EUGENE SEDILLO, aka: "SHORTY." SEDILLO was briefly detained and then released.

7. Officers seized the firearm from the kitchen, which was identified as a Smith and Wesson model M&P 40 Shield, .40 caliber pistol, serial number HZT6199.

8. On March 16, 2021, I conducted a telephone interview of FLORES reference the aforementioned incident. FLORES admitted SANCHEZ was her boyfriend and said the Smith and Wesson pistol belonged to her. FLORES acknowledged SANCHEZ' DNA could be on the firearm, as he may have briefly handled it one or more times. FLORES described SANCHEZ' handling of the gun as picking it up to place in FLORES' gun safe, as to keep it out of reach of FLORES' young child. FLORES acknowledged SANCHEZ was a felon and prohibited from possessing firearms or ammunition. FLORES understood SANCHEZ to be an SNM gang member, but said she didn't know much about the gang.

9. I am aware that latent finger prints and DNA evidence may be found on firearms and ammunition. I believe the firearm and/or ammunition found inside the apartment may contain SANCHEZ' DNA. The firearm and ammunition are currently at the FBI laboratory in Quantico, Virginia. The FBI laboratory will compare any potential DNA found on the firearm or ammunition to the DNA of SANCHEZ. As such, I am requesting authorization to collect a DNA sample from SANCHEZ by buccal (cheek) swab.

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10. I am aware SANCHEZ is currently incarcerated at the NMCD Penitentiary of New Mexico in Santa Fe. I intend to serve the requested search warrant on SANCHEZ at the state prison with the assistance of the STIU.

CONCLUSION


11. Based on the aforementioned information, I submit that probable cause exists to search the Defendant to collect a DNA sample by buccal swab; pursuant to Rule 41 of the Federal Rules of Criminal Procedure. This affidavit has been reviewed by Supervisory Assistant United States Attorney Jack Burkhead of the District of New Mexico.

Respectfully submitted,



Bryan Acee
Special Agent
Federal Bureau of Investigation

Electronically submitted and telephonically sworn to me on June 13, 2021.



The Honorable Laura Fashing,
United States Magistrate Judge